

Ortiz v. Jordan
--- U.S. --- (2011)
Decided January 24, 2011

FACTS: Jordan (a case manager) and Bright (a prison investigator), both at the Ohio Reformatory for Women, were sued by Ortiz, an inmate, under 42 U.S.C. §1983. She alleged violations of her rights under the Eighth and Fourteenth Amendments. She alleged that she was sexually assaulted twice by a corrections officer, and that Jordan and Bright failed to respond and protect her. (She also alleged that she suffered retaliation for her reporting of the incidents.)

Bright and Jordan requested qualified immunity and summary judgment. This defense shields public officials if their conduct “d[id] not violate clearly established statutory or constitutional rights of which a reasonable person would have known.”¹ The Court, finding that material facts were in dispute, denied the motion. The case went to trial, and the jury found in favor of Ortiz against both defendants. Upon appeal, however, the Sixth Circuit Court of Appeals overturned the judgment, choosing to review the denial of the motion of summary judgment and finding that the motion should have been granted.

Ortiz appealed and the U.S. Supreme Court granted certiorari.

ISSUE: May a party appeal an order denying summary judgment (under qualified immunity) after a full trial on the merits?

HOLDING: No

DISCUSSION: The Court agreed to review the case “to decide a threshold question on which the Circuits are split....” The Court noted that “once a case proceeds to trial, the full record developed in court supersedes the record existing at the time of the summary judgment motion.” The defense, of course, does not actually vanish, but “must be evaluated in light of the character and quality of the evidence received in court.” Although normally a summary judgment denial is nonappealable, when pleaded under qualified immunity the Court recognizes an exception, because qualified immunity “finally and conclusively [disposes of] the defendant’s claim of right not to stand trial.”² In Johnson v. Jones, the court had held that “immediate appeal from the denial of summary judgment on a qualified immunity plea is available when the appeal presents a “purely legal issue,” illustratively, the determination of “what law was ‘clearly established’” at the time the defendant acted.”³ However, they did not seek an immediate appeal when it was denied, nor did they move to overturn the verdict under a different procedural vehicle, Rule 50(b). The Court further noted that Jordan and Bright’s appeal was fatally flawed because they failed to renew their motion for judgment as a matter of law.

The decision of the Sixth Circuit was reversed and the case remanded.

FULL TEXT OF OPINION: <http://www.supremecourt.gov/opinions/10pdf/09-737.pdf>

¹ Harlow v. Fitzgerald, 457 U. S. 800 (1982).

² Mitchell v. Forsyth, 472 U. S. 511 (1985).

³ 515 U.S. 304 (1995).